IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTHDAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 12060 of 2005

Between:

1 M/s.A.B.Switch Gear (P)Ltd., rep.by its Director M.S.Chandra Bose S/o.M.Rama Rao, R/o.Chennai.
2 M.Dhiraj S/o.M.S.Chandra Bose, R/o.Chennai.
3 Mrs.M.Madhavi, W/o.Someswara Rao, R/o.Chennai.
4 M.Sriram Sanjay, S/o.M.S.Chandra Bose, R/o.Chennai.
5 M.S.Chandra aBose, S/o.M.Rama Rao, R/o.Chennai.
6 M.Ramakrishna, S/o.M.Rama Rao., R/o.Chennai.

..... PETITIONERS

AND

1 The District Collector, Chittoor.
2 The Mandal Revenue officer, Vardayupalem Mandal, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the Form-1 Notice issued under Act 9/1977 issued by the 2nd respondent on 16-05-2005 as without jurisdiction, illegal and arbitrary and consequently set aside the same and pass such other order or orders as are deemed fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.P.SRI RAGHU RAM

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

O R D E R:

The writ petition is filed under Article 226 of the Constitution of India seeking a writ of Mandamus declaring the action of the 2nd respondent-Mandal Revenue Officer, Vardayupalem Mandal, Chittoor District in issuing Form-I notice under Act 9/1977 on 16-05-2005 without jurisdiction as illegal and arbitrary.

In the affidavit filed in support of the writ petition it is stated that the petitioners purchased various extents of lands in Subbarajukandika Village, Kadur Gram Panchayat, Varadayyapalem Mandal, Chittoor District and obtained encumbrance certificate from the year 1962 onwards, which shows various sale transactions made during that decade. While so, the 2nd respondent-Mandal Revenue Officer, a notice in Form-I under Act 9/1977 dated 16-05-2005 was issued directing the petitioners to submit their explanation within 15 days from the date of receipt of the impugned notice explaining why they should not be evicted immediately from the said lands by taking over the existing crop, produce/product and building or structure of anything kept over the said land. The impugned notice was served on the petitioners on 30-05-2005.

The petitioners, pursuant to the notice submitted their reply stating that none of the revenue records show that these lands are assigned lands and at any rate, no person is coming forward, as an alleged assignee, and that the 2nd respondent-Mandal Revenue Officer as well as the Revenue Divisional Officer after bonafide enquiries regarding the tile of the property through the sale deeds mentioned in the impugned notice issued pattadar pass books from the seller for the total land. In the reply notice it is further submitted that since none of the Revenue Records show these lands are assigned lands, the petitioners requested the revenue authorities to drop the impugned notice and permit them to enjoy the property as usual. The grievance of the petitioners is that though proper reply was submitted within the time stipulated, the 2nd respondent-Mandal Revenue Officer, Vardayupalem Mandal did not pass any orders so far. Hence, with the above prayer the present writ petition has been filed.

The learned Government Pleader for revenue appearing for the respondents submitted that the matter is pending for consideration before the 2nd respondent-Mandal Revenue Officer. When the matter is pending for consideration, without giving a breathing

time to the authorities, the petitioners approached this court at an early stage. It is further submitted that there is no immediate threat to dispossess the petitioner from the above said lands.

I have perused the material available on record as well as the order impugned.

On a perusal of the material available on record and as rightly pointed out by the learned Govern Pleader for revenue, without waiting for the orders of the 2nd respondent-Mandal Revenue officer, the petitioners rushed to this court.

Considering the facts and circumstances of the case, since there is no immediate threat to the petitioners from the revenue authorities, I deem it appropriate to dispose of the writ petition with a direction to the 2nd respondent-Mandal Revenue Officer to consider the explanation submitted by the petitioners in response to the impugned notice and pass appropriate orders in accordance with law preferably within a period of four weeks from the date of receipt of a copy of the order after giving opportunity to the petitioners.

With the above direction, the writ petition is disposed of. No costs.

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09-06-2005

Mjl/*

To,

1 The District Collector, Chittoor.
2 The Mandal Revenue officer, Vardayupalem Mandal, Chittoor District.

3. 2 CCs to G.P. for Revenue, High Court buildings, Hyderabad.

4. 2 CD copies.